

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. CV 17-5624 VBF (SS)

Date: December 28, 2017

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Title: Edward W. Binns v. The United States of America, et al.

DOCKET ENTRY: **ORDER TO SHOW CAUSE WHY THE MAGISTRATE
JUDGE SHOULD NOT RECOMMEND THAT THIS
ACTION BE DISMISSED FOR FAILURE TO PROSECUTE**

PRESENT:

HONORABLE SUZANNE H. SEGAL, UNITED STATES MAGISTRATE JUDGE

Marlene Ramirez
Deputy Clerk

None
Court Reporter/Recorder

None
Tape No.

ATTORNEYS PRESENT FOR PLAINTIFF:

ATTORNEYS PRESENT FOR DEFENDANTS:

None Present

None Present

PROCEEDINGS: (IN CHAMBERS)

On July 28, 2017, Edward W. Binns (“Plaintiff”), a California resident proceeding pro se (but not in forma pauperis) filed a civil rights complaint pursuant to 42 U.S.C. § 1983. (“Complaint,” Dkt. No. 1). The Complaint failed to comply with the pleading requirements set forth in Federal Rule of Civil Procedure 8 and the filing requirements for pleadings set forth in this Court’s Local Rules. See generally C.D. Cal. L.R. 11. Therefore, on August 10, 2017, the Court issued an order directing the Clerk to strike the Complaint and return it to Plaintiff. (Dkt. No. 6). The Court advised Plaintiff that he could file a new complaint in this matter in strict compliance with Federal Rule of Civil Procedure 8 and this Court’s Local Rules if he wished to pursue this action. (Id. at 2). As of this date, however, Plaintiff has not filed a new complaint or otherwise communicated with the Court.

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Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, within fourteen (14) days of the date of this Order, why the Magistrate Judge should not recommend that this action be dismissed with prejudice for failure to prosecute. Plaintiff may discharge this Order by filing a new complaint in accordance with the rules or a declaration under penalty of perjury stating why he is unable to do so.

If Petitioner no longer wishes to pursue his claims, he may request a voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). A Notice of Dismissal form is attached for Petitioner's convenience. Petitioner is again warned that the failure to timely file a response to this Order will result in a recommendation that this action be dismissed with prejudice for failure to prosecute and obey court orders pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of the Court is directed to serve a copy of this Order upon Plaintiff.

IT IS SO ORDERED.

MINUTES FORM
CIVIL-GEN

Initials of Deputy Clerk mr